

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

FESNAK AND ASSOCIATES, LLP	:	
Plaintiff,	:	
v.	:	C.A. No. 09-680 JJF
U.S. BANK N.A.,	:	
and	:	
CITIBANK, N.A.	:	
Defendants.	:	

**AFFIDAVIT OF WHITNEY W. DEENEY PURSUANT TO 10 Del. C. § 3104**  
**AND FEDERAL RULE OF CIVIL PROCEDURE RULE 4 REGARDING RETURN OF**  
**SERVICE FOR DEFENDANTS U.S. BANK NATIONAL ASSOCIATION and**  
**CITIBANK, N.A.**

STATE OF DELAWARE }  
COUNTY OF NEW CASTLE } SS:

BE IT REMEMBERED that on this 13<sup>th</sup> day of October 2009, personally came before me, the subscriber, a Notary Public for the State of Delaware, Whitney W. Deeney, Esquire, known to me personally to be such, being duly sworn according to law, did depose and say that to the best of her knowledge:

1. Defendant U.S. Bank National Association (“U.S. Bank”) is a national association doing business in the state of Delaware, with its principal place of business at U.S. Bancorp Center, 800 Nicollett Mall, Minneapolis, Minnesota 55402.
  2. Defendant Citibank, N.A. (“Citibank”) is a national association doing business in the state of Delaware, with its principal place of business at 153 East 53<sup>rd</sup> Street, 5<sup>th</sup> Floor, New York, New York 10043.

3. On or about September 14, 2009, Plaintiff Fesnak and Associates, LLP (“Plaintiff” or “Fesnak”) filed a Complaint against U.S. Bank and Citibank (collectively “Defendants”) in the United States District Court in and for the District of Delaware, C.A. No. 09-680, a copy of which is attached hereto as Exhibit “A.”

4. Service of process was effectuated upon Defendants pursuant to 10 Del. C. § 3104 as outlined below.

5. On or about September 23, 2009, I sent, via Registered United States Postal Service Mail, return receipt requested, the following items:

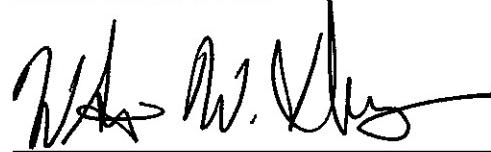
- (a) a copy of the Summons;
- (b) a copy of the Complaint and all related suit papers.

*See* Receipts for Registered Mail dated September 23, 2009 attached hereto as Exhibit “B.”

6. On October 5, 2009, I received the Return Receipts indicating delivery of the items listed in Paragraph 5, above. The Return Receipt for service upon Citibank was dated “9/28/09” and signed for by “Jose Santiago.” The Return Receipt for service upon U.S. Bank was undated, but stamped by the St. Paul, Minnesota Post Office dated “9/28/09” and signed for by “L.W.” A copy of the Return Receipts from the United States Postal Service is attached hereto as Exhibit “C.”

7. The official proof attached hereto shall constitute evidence that the service was mailed and received by the Defendants or the Defendants’ agents and the Plaintiff has complied with the service requirements of 10 Del. C. § 3104 and Federal Rule of Civil Procedure Rule 4.

SAUL EWING LLP



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*Attorneys for Plaintiff Fesnak and  
Associates, LLP*

SWORN TO AND SUBSCRIBED before me this 13<sup>th</sup> day of October, 2009.

  
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NOTARY PUBLIC